HONOURABLE SRI JUSTICE K.C. BHANU

W.P.No.20561 of 2005

Dated 20th September, 2005

Between:

Singana Easwaraiah .. Petitioner

And

The Chief Engineer,

TL & SS, A.P. Transco, Cuddapah

and another .. Respondents

HONOURABLE SRI JUSTICE K.C. BHANU

W.P.No.20561 of 2005

ORAL ORDER:

This writ petition is filed challenging the order dated 6.8.2005 passed by the 2nd respondent.

The learned counsel for the petitioner has contended that the proposed electrical line would be much cheaper than the revised proposals made by the department and the department has to lay 12 electrical lines extra. Therefore, the 2nd respondent even without visiting and examining the garden of the petitioner, passed the impugned order under challenge.

The learned standing counsel for the respondents has contended as per the representation of the petitioner, an alternative route has been examined to lay the electrical lines, but it was found not technically feasible. Hence, the order under challenge does not suffer from any legal infirmity.

In spite of the directions issued by this Court in W.P.No.14730 of 2005 dated 8.7.02005, the Superintendent Engineer, Cuddapah did not consider the representation of the petitioner but stated that the tower is not laid in the fields of existing lime garden and the only line is passing over the lime garden of the petitioner and there is sufficient clearance. The alternative route was also examined to divert the line from the fields of the petitioner and found that it was not technically feasible to divert the line. Therefore, the foundation was laid in the vacant land. Since the order under challenge does not suffer from any legal infirmities and it was passed on the proper application of mind, the same cannot be interfered with.

For the foregoing reasons, the writ petition is devoid of merits and is dismissed. However, in case any damage are caused to the lime garden of the petitioner, he is entitled to such damages. No costs.

20.09.2005

bcj